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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,772	01/04/2006	Majeed D. Salman	120083-146503	3231

60172 7590 09/15/2009
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EXAMINER

WILLIS, RANDAL L

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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09/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,772	Applicant(s) SALMAN ET AL.	
	Examiner RANDAL WILLIS	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application 10/563772 filed January 4th 2006.
Claims 1-22 are currently pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 6/11/2009 have been fully considered but they are not persuasive. Applicant argues that Matusis doesn't teach determining which hand a terminating member belongs to and changing the function of a key accordingly and instead merely teaches determining which finger the user is using. However, Matusis clearly teaches he can identify which hand a finger belongs to ([0052]) in order to achieve up to 10 possible functions per key, one for each finger of each hand ([0041]). Thus Matusis clearly determines which hand the terminating finger belongs to.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2629

4. Claims 1-6, 9-13 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Matusis (2003/0048260).

Apropos claim 1, Matusis teaches:

An apparatus comprising:

a body (1410 Fig. 14));

a keyboard upon said body (Buttons 1-9 in Fig. 14) including at least one key having at least two different functions associated with the key (Functions 3, D, E, F Fig. 14) a first function if the key is activated with a terminating hand member of the right hand and a second function if the key is activated with a terminating hand member of the left hand ([0041] Matusis teaches each finger tip can be mapped to a function with a total possible of 10, meaning his detection circuit can determine if it's the left hand index finger or the right hand index finger and have a different function accordingly); and

a detection mechanism to determine whether a user's terminating hand members, used to activate the key with two associated functions is located on the user's right hand or left hand ([0041], [0052]), said detection mechanism being equipped to monitor movement of at least a portion of at least one of the user's two hands (Finger to Function mapping shown in Fig. 14, [0043]).

Apropos claim 2, Matusis teaches:

The apparatus of claim 1 wherein said detection mechanism comprises a camera (Imaging system [0043]).

Apropos claim 3, Matusis teaches:

The apparatus of claim 2 wherein said detection mechanism further comprises logic to temporally analyze a plurality of images from said camera, said images including positions of said user's terminating hand ([0043]).

Apropos claim 4, Matusis teaches:

The apparatus of claim 2 wherein said camera is integrated with said body (1430 Fig. 14).

Apropos claim 5, Matusis teaches:

The apparatus of claim 1 wherein said detection mechanism includes at least one terminating hand member sensor (Identifies individual fingers of the hand [0043]).

Apropos claim 6, Matusis teaches:

The apparatus of claim 5 wherein said terminating hand member sensor is equipped to detect when a corresponding terminating hand member is in a non- use position ([0068]).

Apropos claim 9, Matusis teaches:

The apparatus of claim 1 wherein said detection mechanism comprises at least one motion detector ([0045]).

Apropos claim 10 Matusis teaches:

The apparatus of claim 9 wherein said motion detector is to detect motions associated with a key activation ([0045]).

Apropos claim 11, Matusis teaches:

The apparatus of claim 1 wherein the apparatus is a selected one of a wireless mobile phone and a personal digital assistant (Phone in Fig. 14).

Apropos claim 12, Matusis teaches:

An apparatus comprising:

a body (1410 Fig. 14));

a keyboard upon said body (Buttons 1-9 in Fig. 14) including at least one key having at least two different functions associated with the key (Functions 3, D, E, F Fig. 14) a first function if the key is activated with a terminating hand member of the right hand and a second function if the key is activated with a terminating hand member of the left hand ([0041] Matusis teaches each finger tip can be mapped to a function with a total possible of 10, meaning his detection circuit can determine if it's the left hand index finger or the right hand index finger and have a different function accordingly); and

a camera to monitor movement of a user's terminating hand members with respect to said keyboard (1430, Fig. 14), said monitoring of movement to provide an

Art Unit: 2629

indicia of which of said user's terminating hand members is being used to activate a key with at least two associated functions is located on the user's left hand or right hand (1430 indicates to the device which finger touched the corresponding button as seen in the table on Fig. 14, further fingers of either the left or right hand can be detected [0052]).

Apropos claim 13, Matusis teaches:

The apparatus of claim 12 wherein said monitoring of movement comprises temporally analyzing a plurality of images from said camera, said images including positions of said user's terminating hand members ([0043].

Apropos claim 19, Matusis teaches:

In an electronic device comprising a keyboard and having a plurality of input keys, at least one key having associated with it at least two character values, a first character value if the key is activated by a terminating hand member of a user's right hand and a second different character value if the key is activated by a terminating hand member of a user's left hand ([0041], [0052] Matusis detects which finger on which hand, so the index finger of the right hand can have a different function than the index finger of the left hand) a method comprising:

determining whether a terminating hand member of the user used to activate the key with at least two character values is located on the user's right hand or left hand ([0043], [0052]); and

assigning said first or second character value to an activation of said key, based at least in part upon said determination (See table in Fig. 14).

Apropos claim 20, Matusis teaches:

The method of claim 19 further comprising: assigning a second character value to said activation of said key, wherein said activation occurs after delay time from said determining ([0045] where after determining which fingers are pressing, motion can be discerned to change the function).

Apropos claim 21, Matusis teaches:

The method of claim 19 wherein said determining comprises monitoring movement of at least a portion of at least one of a user's two hands ([0045]).

Apropos claim 22, Matusis teaches:

The method of claim 19 wherein said determining comprises temporally analyzing a plurality of images, said images including positions of said user's terminating hand members ([0043] and [0045]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2629

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 7, 8 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matusis in view of Wong (6,888,532).

Apropos claim 7, Matusis fails to explicitly teach:

The apparatus of claim 1 wherein said detection mechanism comprises at least one pressure sensor.

In the same field of portable input devices, Wong teaches an input device in which pressure sensors (312, Fig. 3) are used to detect how the user is holding the device and thus determine whether the device is in a left-hand mode or right hand mode (COI 2 lines 35-40) and changes the functions of the input accordingly.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include pressure sensors as taught by Wong in the input device of Matusis in order to allow the device to detect the orientation of the display and change button functions accordingly.

Art Unit: 2629

Apropos claim 8, Matusis fails to explicitly teach:

The apparatus of claim 1 wherein said at least one pressure sensor comprises a sensor to detect pressure on a side of said body, said side corresponding to said determined terminating hand member.

In the same field of portable input devices, Wong teaches an input device in which pressure sensors (312, Fig. 3) are used to detect how the user is holding the device and thus determine whether the device is in a left-hand mode or right hand mode (COI 2 lines 35-40) and changes the functions of the input accordingly.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include pressure sensors as taught by Wong in the input device of Matusis in order to allow the device to detect the orientation of the display and change button functions accordingly.

Apropos claim 14, Matusis teaches:

An apparatus comprising:

a body (810, Fig. 8);

a keyboard upon said body (822, Fig. 8) including at least one key having at least two different functions associated with the key (Functions 3, D, E, F Fig. 14) a first function if the key is activated with a terminating hand member of the right hand and a second function if the key is activated with a terminating hand member of the left hand ([0041] Matusis teaches each finger tip can be mapped to a function with a total

Art Unit: 2629

possible of 10, meaning his detection circuit can determine if it's the left hand index finger or the right hand index finger and have a different function accordingly); and

However Matusis fails to explicitly teach:

at least one pressure sensor to monitor movement of a user's terminating hand members with respect to said keyboard, said monitoring of movement to provide an indicia of which of said user's terminating hand members is being used to activate the key with at least two different associated functions is located on the user's right hand or left hand.

In the same field of portable input devices, Wong teaches an input device in which pressure sensors (312, Fig. 3) are used to detect how the user is holding the device and thus determine whether the device is in a left-hand mode or right hand mode (COI 2 lines 35-40) and changes the functions of the input accordingly.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include pressure sensors as taught by Wong in the input device of Matusis in order to allow the device to detect the orientation of the display and change button functions accordingly while aiding in the detection of which hand the user is using.

Apropos claim 15, Wong further teaches:

The apparatus of claim 14 wherein said at least one pressure sensor comprises a sensor to detect pressure on a side of said body (312, Fig. 3).

Art Unit: 2629

Apropos claim 16, Wong further teaches:

The apparatus of claim 15 wherein said side corresponds to said determined terminating hand member (Col. 6 lines 5-30)

7. Claims 17-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Matusis in view of Harrison (6,538,636).

Apropos claim 17, Matusis teaches:

An apparatus comprising:

a body (810, Fig. 8)

a keyboard upon said body (822, Fig. 8) including at least one key having at least two different functions associated with the key (Functions 3, D, E, F Fig. 14) a first function if the key is activated with a terminating hand member of the right hand and a second function if the key is activated with a terminating hand member of the left hand ([0041] Matusis teaches each finger tip can be mapped to a function with a total possible of 10, meaning his detection circuit can determine if it's the left hand index finger or the right hand index finger and have a different function accordingly); and

However, Matusis fails to explicitly teach:

a motion sensor to monitor movement of said body, said monitoring of movement to provide an indicia of whether a user's terminating hand members used to activate a key of said keyboard is located on the user's right hand or left hand..

In the same field of portable input devinces, Harrison teaches having motion detectors (3a,b Fig. 1) which can detect the orientation of the portable devices, and change the function of the input keys according to the orientation (See Figures 2 and 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use motion sensors as taught by Harrison in the portable device of Matusis in order to allow the device to change functionality depending upon it's orientation.

Apropos claim 18, Matusis fails to explicitly teach:

The apparatus of claim 17 wherein said motion sensor is a MicroElectroMechanical Systems (MEMS) device.

However, examiner takes official notice that MEMS motion sensors are common in the art and therefor would have been an obvious choice for the motion sensors taught by Harrison in the combination above to one of ordinary skill in the art at the time of the invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2629

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDAL WILLIS whose telephone number is (571)270-1461. The examiner can normally be reached on Monday to Thursday, 8am to 5pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/563,772

Page 14

Art Unit: 2629

RLW

/Amr Awad/

Supervisory Patent Examiner, Art Unit 2629